

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X
CARL ORLANDO, JR., on behalf of himself and other
similarly situated,

Plaintiffs,

-against-

Index No.
15-CV-9434

LIBERTY ASHES, INC., FRANCESCO BELLINO, MICHAEL
BELLINO, JR., STEPHEN BELLINO, and MICHAEL BELLINO,

Defendants.

- - - - -X
March 28, 2018
12:57 p.m.

DEPOSITION of RAMDEO PERSAD, a Plaintiff herein,
taken pursuant to Notice, and held at the offices of
Trivella & Forte, LLP, 1311 Mamaroneck Avenue, Suite
170, White Plains, New York, before Gardith Torchon,
a Court Reporter and Notary Public of the State of
New York.

RAMDEO PERSAD

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1 RAMDEO PERSAD,
2 having been first duly sworn by the Notary Public (Gardith
3 Torchon), and stating his address as 130-24
4 Lefferts Boulevard, Queens, New York 10420, was
5 examined and testified as follows:
6

7 EXAMINATION

8 BY MR. SMITH:

9 Q. Good morning, Mr. Persad.

10 A. Good morning, sir.

11 Q. Good afternoon, I guess it is now.

12 My name is Christopher Smith. I'm with
13 the firm of Trivella & Forte. We're the attorneys
14 for the defendants Liberty Ashes, Incorporated,
15 Francesco Bellino, Michael Bellino, Junior, Stephen
16 Bellino, and Michael Bellino in the case Carl
17 Orlando, Junior and others, including yourself,
18 Southern District of New York, 159434.

19 I'm going to be asking you a series of
20 questions today. If at any time you don't
21 understand the question that I ask, would you agree
22 to bring that to my immediate attention?

23 A. Yes.

24 Q. Thank you very much.

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1 A. I worked for them.

2 Q. Okay. How long did you work for them? Do
3 you remember your date of hire?

4 A. Not really.

5 Q. Okay. Do you remember -- do you still
6 work for Liberty Ashes, Incorporated?

7 A. No.

8 Q. Okay. Do you remember the date that you
9 left Liberty Ashes's employment?

10 A. No.

11 Q. Okay. What was your job responsibilities
12 while working at Liberty?

13 A. As a helper.

14 Q. Okay. Can you briefly describe what that
15 entailed?

16 A. Most of the time, you have to back up the
17 truck, picking up garbage, and throwing it in the
18 truck.

19 Q. Okay. And just for the purposes of the
20 record, when you're talking about a truck, what type
21 of truck is it?

22 A. Commercial. Commercial vehicle.

23 Q. It's a commercial vehicle.

24 Is it a packer truck?

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1 A. Packer, yes.

2 Q. Okay. Okay.

3 And where did you perform your work
4 activities for Liberty?

5 A. Mostly in Brooklyn.

6 Q. Okay. Do you remember how many years you
7 worked for Liberty?

8 A. 10 to 15 years.

9 Q. 10 to 15 years. Okay.

10 And when you worked at Liberty, were you a
11 member of a union?

12 A. Yes.

13 Q. Okay. And do you remember the name of
14 that union?

15 A. LIFE.

16 Q. Okay. And when you refer to LIFE, are you
17 referring to the League of International Federated
18 Employees?

19 A. Yes.

20 Q. Okay. And did you -- were you a member of
21 LIFE throughout your entire employment at Liberty?

22 A. Yes.

23 Q. Okay.

24 MR. SMITH: And can we mark this as -- I

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1 guess we'll mark it as Persad Number 1.

2

3 (Persad Exhibit 1,

4 PERSAD CONTRACT, was marked for

5 identification.)

6

7 MR. SMITH: Just for the record: We've
8 marked as Persad Exhibit 1 a one-page document
9 that has a previous Bates stamp LIFE026.

10 Q. Just going to show you to that -- show you
11 that now.

12 A. Yes.

13 Q. Have you ever seen that document before?

14 A. Yes.

15 Q. There's some handwriting on that document.
16 Do you see the handwriting?

17 A. My name.

18 Q. Okay. Is that your signature?

19 A. Yes.

20 Q. And do you -- do you recall when you
21 signed that document?

22 A. No.

23 Q. Okay. Is that a true and accurate copy of
24 the document that you signed?

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1 referring to LIFE?

2 A. LIFE, yes.

3 Q. Okay. Were you ever a member while you
4 worked at Liberty Ashes of any other union besides
5 LIFE?

6 A. No.

7 Q. Okay. And were you a member of LIFE
8 continuously throughout your employment at Liberty
9 Ashes?

10 A. Yes.

11 Q. Okay. Did you read that document that's
12 been marked as Persad 1 before you signed it?

13 A. Not really.

14 Q. Okay.

15 A. I can't remember at that time.

16 Q. You don't remember whether you did or not?

17 A. Yeah.

18 Q. Okay. Do you remember who gave that
19 document to you to sign?

20 A. I believe it's Francesco.

21 Q. And when you're saying Francesco --

22 A. Bellino.

23 Q. -- Francesco Bellino?

24 A. Yeah.

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1 Liberty Ashes?

2 A. No.

3 Q. No. Okay.

4 Do you remember -- with respect to the one
5 communication that you said you had with the LIFE
6 representative, was that a written communication;
7 was it an oral communication or something else?

8 A. It's a verbal communication.

9 Q. Verbal. Okay.

10 Do you remember where it occurred?

11 A. It was outside on the street.

12 Q. Okay. And do you remember what you said
13 to that person and what they said to you, if
14 anything?

15 A. They were -- they were just asking us --
16 because I say it is -- was a union voting to vote
17 them back into the company, and they were just
18 telling us to vote for them. They're going to help
19 you and, you know, take care of you and whatever
20 other stuff.

21 Q. And did you, in fact, vote for LIFE?

22 A. We did, yeah.

23 Q. Okay. And that included you?

24 A. Yeah.

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1 Q. Who else besides you voted for life, if
2 you remember?

3 A. I don't remember names, but I know a lot
4 of my friends.

5 Q. Okay. How about do you know if Luis
6 Acevedo voted for the union?

7 A. I can't say that.

8 Q. Okay. Do you know if he was a member of
9 LIFE?

10 A. No.

11 Q. Okay. How about do you know Carl Orlando?

12 A. No.

13 Q. You don't know him. Okay. All right.

14 Did you say anything else to that one
15 LIFE -- LIFE representative besides what you just
16 told me?

17 A. Not at that point, no.

18 Q. Okay. And your testimony is you never had
19 any other communication with any LIFE representative
20 after that?

21 A. No.

22 Q. Okay. Did you ever communicate in writing
23 to LIFE?

24 A. No.

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1 Q. Okay. Did you ever send a writing to LIFE
2 revoking their right to negotiate on your behalf
3 with the union?

4 A. No.

5 Q. Okay. When you said you were voting for
6 the union, at the time that you --

7 You voted affirmatively to bring the union
8 in, isn't that correct?

9 A. Yes.

10 Q. Okay. And at that time, what did you
11 understand LIFE would be doing for you if they came
12 in as the union?

13 A. They were just, you know, letting us know
14 that they're going to make it better with the
15 medical and, you know, that's basically it. Medical
16 and whatever otherwise it does.

17 Q. Okay. Are you familiar with the term
18 collective bargaining agreement?

19 A. Yes.

20 Q. Okay. And what's your understanding of
21 what that is?

22 A. Working together, I would say.

23 Q. Okay. And did -- did LIFE negotiate a
24 collective bargaining agreement on behalf of the

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1 employees of Liberty Ashes, if you know?

2 A. I have no idea.

3 Q. You don't know. Okay.

4 When you voted for LIFE, was it your
5 understanding that if LIFE came in, that they would
6 be negotiating with the employer on your behalf?

7 A. Yes.

8 Q. Okay. And they would be negotiating the
9 terms and conditions of your employment?

10 A. Yeah.

11 Q. All of the terms and conditions of your
12 employment?

13 A. I can't say that part, no.

14 Q. Okay. Did you ever tell them that they
15 were not authorized to negotiate anything on your
16 behalf, LIFE?

17 A. Honestly, after that, I never saw them
18 back; so I can't say anything.

19 Q. Okay. And did you ever send any LIFE
20 representative a writing to revoke their right to
21 negotiate on your behalf with Liberty Ashes?

22 MR. DUSENBERY: Objection. Asked and
23 answered.

24 MR. SMITH: Okay.